

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

JOE CLEMENTS,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:05-cv-140-F
)	WO
ANTHONY CLARK, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's objection (Doc. #8) to the Recommendation of the Magistrate Judge (Doc. #5) filed on March 16, 2005 is overruled;

(2) The Recommendation of the Magistrate Judge entered on February 23, 2005 is adopted;

(3) The plaintiff's challenges to his pending criminal charge and all court actions related to this charge are DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

(4) The plaintiff's claims against Greg Gambril, Walt Merrell and Eugenia Loggins are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii).

(5) Greg Gambril, Walt Merrell and Eugenia Loggins are DISMISSED from this cause of action.

(6) Those claims referencing alleged violations of the constitutional rights of inmates Charles A. Barnes and Juan Carlos Osuna are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(I).

(7) The plaintiff's claims challenging the conditions of confinement in the Covington County Jail are referred back to the Magistrate Judge for additional proceedings.

DONE this 21st day of April, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE